

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE K.C. BHANU

Taken up WRIT PETITION No. 7049 of 2006

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Between:

Vydadi Venkateswara Rao ...Petitioner.

And

The Station House Officer, I Town Police Station, Kakinada,

East Godavari District and another.

...Respondents.

DATE: 17-04-2006

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE K.C. BHANU

Taken up WRIT PETITION No. 7049 of 2006

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JUDGMENT (Per the Hon'ble Smt. Justice T. Meena Kumari):

This is a taken up writ petition on the basis of the telegram dated

5.4.2006 sent by the petitioner alleging that his brother by name Vydadi Sahadevudu and his son-in-law by name Sangani Srinu have been illegally taken away by police of I Town Police Station, East Godavari District on 2.4.2006.

A counter affidavit has been filed by the Sub-Inspector of Police, I Town Police Station, East Godavari District denying the allegations made in the writ petition. It is further stated in the counter affidavit that the alleged detenu No.1 Vydadi Sahadevudu is not required in any pending cases with their police station and as such they had no occasion to detain the alleged detenu No.1 as alleged in the telegram sent by the petitioner. After receipt of notice in the writ petition from the office of Advocate General, he caused enquiry about the alleged detenu No.1 and came to know that he is moving freely at his place of residence and attending to his day-to-day activities. Thereafter, he made a request to the Village Sarpanch, Gundepudi Village, Allavaram Mandal to cause enquiry about the alleged detenu and to issue a certificate. Accordingly the Village Sarpanch after causing enquiry issued a certificate that the alleged detenu was never taken into custody by the Police and he is freely moving in the Village Gundepudi and residing with his wife and children. With regard to alleged detenu No.2 it is stated that he is an accused in Cr.No. 47 of 2006 for offences under Sections 376, 417 and 420 IPC which was registered on the complaint made by one Ms. Aradadi Nookaratnam @ Ratnam. During the course of investigation, he was apprehended on 7.4.2006 at 5.30 p.m. at his house and was produced before the learned III Addl. Judicial First Class Magistrate, Kakinada on 8.4.2006 and the learned Magistrate directed him to judicial remand.

In view of the categorical averment made in the counter that the alleged detenu is moving freely which is supported by the certificate issued by the Village Sarpanch and also in view of the fact that the alleged detenu No.2 is sent to judicial remand by the learned Magistrate and he is presently lodged in Sub Jail, Kakinada, nothing survives for adjudication in this writ petition.

The writ petition is accordingly dismissed.

T. MEENA KUMARI, J.

K.C. BHANU, J.

April 17, 2006.

MVB.